



**US Army Corps  
of Engineers.**

Nashville District

# Public Notice

Public Notice No. 07-66

Date: 23 July 2007

Application No. 2006-00922

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch

(Attn: Kathleen J. Kuná)

3701 Bell Road, Nashville, TN 37214

kathleen.j.kuna@usace.army.mil

## US ARMY CORPS OF ENGINEERS

**SUBJECT:** Proposed Discharge of Fill Material into wetlands and streams for the construction of 'The Paddocks of Mt. Juliet' commercial development in Wilson County, Tennessee

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the Tennessee Department of Environment & Conservation, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

**APPLICANT:** Colin E. Barker  
The Gipson Company  
15 Piedmont Center, Suite L-150  
Atlanta, GA 30305

**LOCATION:** 500 feet northwest of the intersection of Interstate 40 and Mount Juliet Road (SR 171) in Mt. Juliet, Wilson County, TN. The wetlands are contiguous to unnamed intermittent tributaries to Stoners Creek, Stones River Watershed (HUC 05130203).

**DESCRIPTION:** The proposed action is the discharge of approximately 2,350 cubic yards of fill material into a total of 1.23 acres of jurisdictional wetlands in 10 separate areas and 1,589 linear feet of stream impacts associated with the construction of the proposed commercial development to be known as 'The Paddocks of Mt. Juliet'.

The proposed site consists of hay fields and scattered woodlots of second growth timber. Approximately 6,739 linear feet of stream and 1.51 acres of jurisdictional wetland occur on the proposed site (11 wetlands, 11 streams and 3 springs). Two main unnamed tributaries to Stoners Creek drain the site. Stream #2 drains the eastern half and stream #7 drains the western half.

The wetlands consist of both forested and herbaceous. None of the wetlands or streams is considered high quality. One of the streams has been highly degraded by livestock watering and will be restored as part of the mitigation package.

**MITIGATION:**

Compensatory wetland mitigation would occur with the debit of 2.46 credits from the Harpeth Wetland Mitigation Bank.

On-site compensatory stream mitigation would consist of the enhancement of 1,238 linear feet of stream #7. The applicant proposes to follow TDEC Enhancement II Stream Mitigation under the TN Stream Mitigation Guidelines (Guidelines) for 413 feet of credit. Stream #7 is impacted by head-cutting; bank erosion, and is highly incised. Enhancement would consist of in-stream habitat, bank stabilization and riparian plantings. A 50-foot riparian buffer would be established along both banks.

Fifty foot buffers would be placed along additional sections of stream #7 as well as sections of streams 8, 9, 10 and 11 for 260 feet of Enhancement I credit under the Guidelines.

A spring and subsequent stream flows under Pleasant Grove Road along the southern property line. Approximately 50 feet of culvert would be removed and flow/channel restored.

All impacted intermittent streams would be filled with stone and capped with a geotextile cloth to allow flow to continue to supply the lower stream reaches. All the springs on the property would be avoided.

The applicant is searching for offsite stream mitigation for 916 linear feet of stream. In the event that none can be found the applicant will pay \$183,200 to the Tennessee Stream Mitigation Program (916 feet x \$200).

The applicant shall monitor and guarantee success of all onsite compensatory mitigation. TDEC Land Use Restrictions would be placed on the on-site mitigation areas.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs,

considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Tennessee Department of Environmental Conservation (TDEC) in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to

consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before August 21, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Kathleen Kuná, at the above address, telephone (615) 369-7506, or at [kathleen.j.kuna@usace.army.mil](mailto:kathleen.j.kuna@usace.army.mil). If you wish to view additional diagrams, please contact Ms. Kuna or visit our web site at <http://www.lrn.usace.army.mil/cof/notices.htm>



**Figure 1  
LOCATION MAP**

Scale: 1:24,000

Date: 3/14/2007



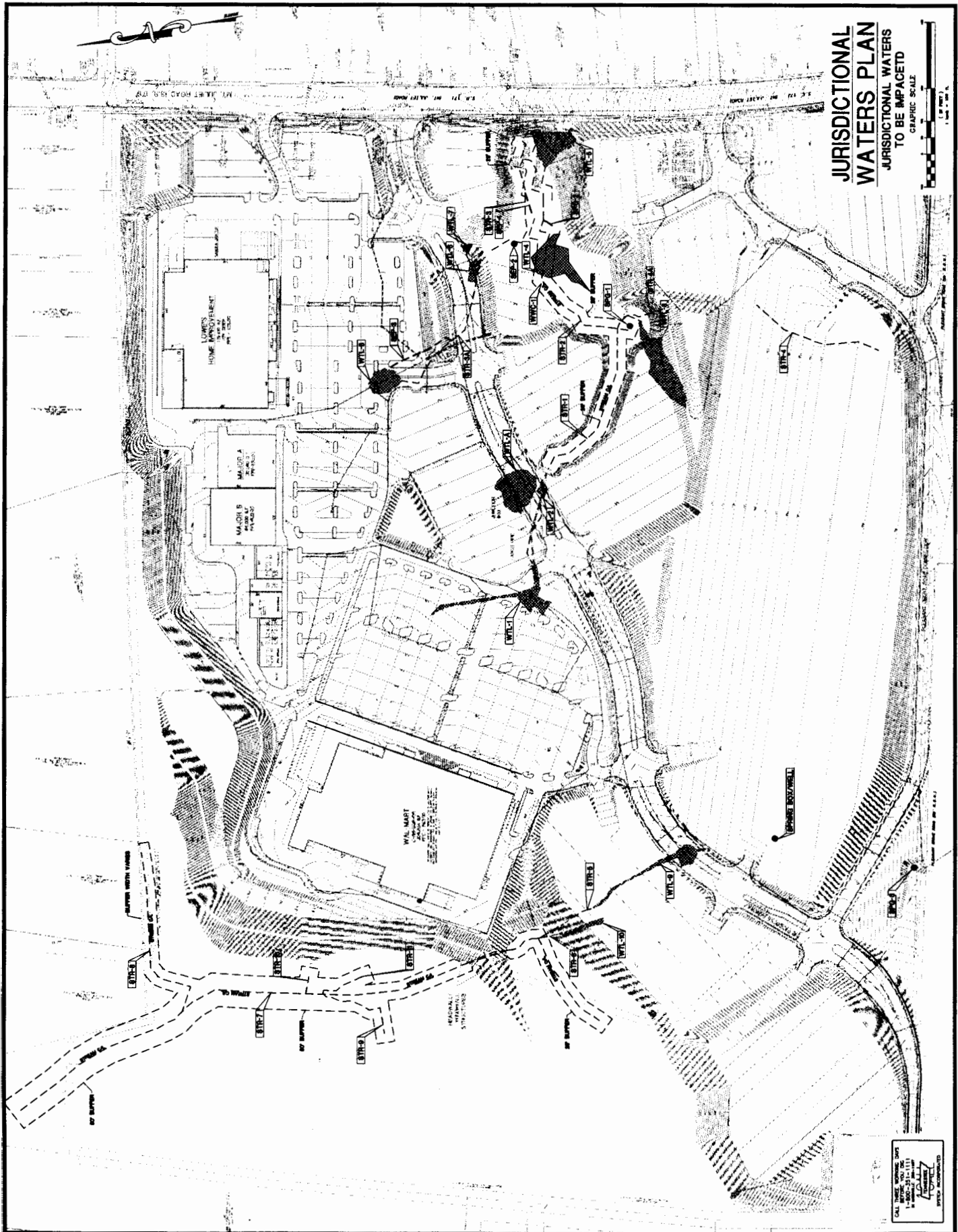
**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.**

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DA File No. 2007-00922

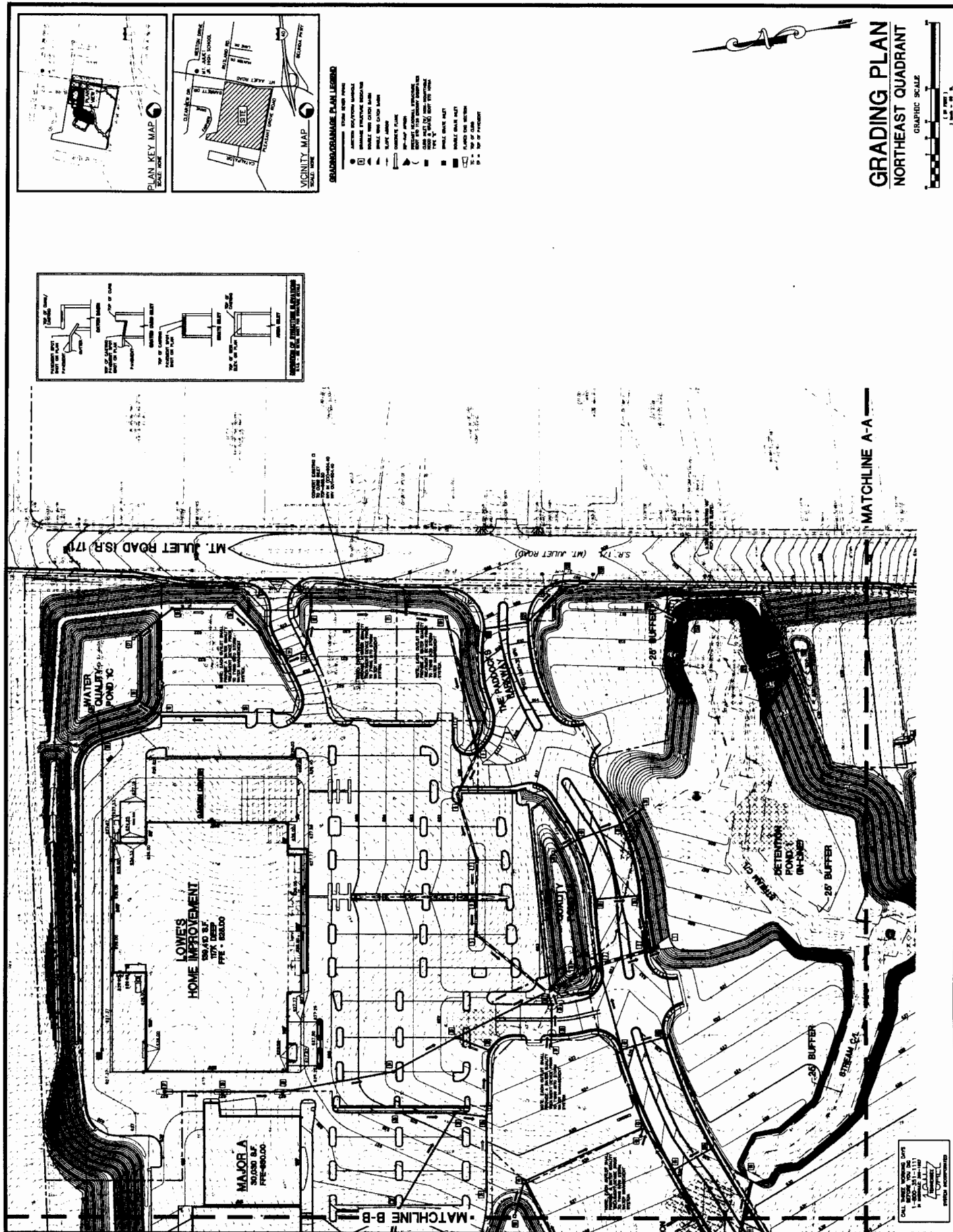
**The Paddocks  
Mount Juliet, Tennessee  
Project No. 070-324**

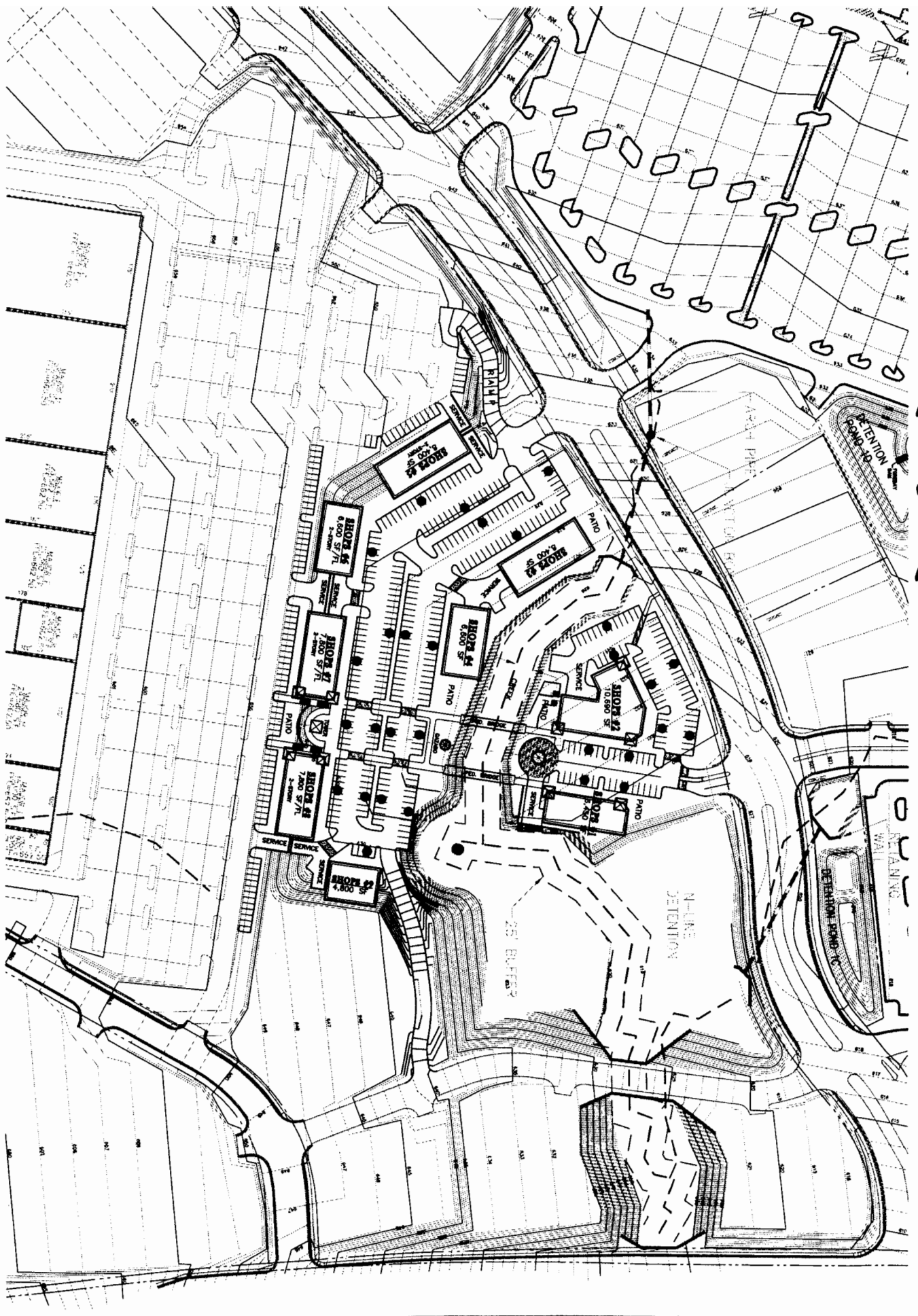




THE PADDOCKS AT MT. JULIET, PHASE 1  
NORTH MOUNT JULIET ROAD (S.R. 171)  
BY, THE GIPSON COMPANY  
16 PIEDMONT CENTER, SUITE L-150  
ATLANTA, GA 30306

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